

Markham Exhibit D - 1

From: Donn Zaretsky <dzaretsky@jsilberman.com>
Sent: Sunday, May 16, 2021 8:19 AM
To: John Markham
Cc: Bridget Zerner
Subject: RE: Robert Indiana (McKenzie artwork inventory)

Waiting for final confirmation from the Morgan folks. Hope to have it for you asap. Just in case, would Wednesday work as an alternative?

From: John Markham <jmarkham@markhamreadzerner.com>
Sent: Saturday, May 15, 2021 3:49 PM
To: Donn Zaretsky <dzaretsky@jsilberman.com>
Cc: Bridget Zerner <bzerner@markhamreadzerner.com>
Subject: Re: Robert Indiana (McKenzie artwork inventory)

Donn can you confirm this coming Tuesday?

Sent from my iPhone

On May 14, 2021, at 12:13 PM, Donn Zaretsky <dzaretsky@jsilberman.com> wrote:

John, I spoke with the folks here & we'd like to take you up on your offer to come inspect the car. I can come up to the storage facility next week (this way we'd get to meet), and I'd be accompanied by Simon, Paul, and Amelie Salama-Caro. I assume Mike would not be present.

Obviously given the arbitration timing, the sooner we can make this happen, the better.

Thanks,
Donn

From: John Markham <jmarkham@markhamreadzerner.com>
Sent: Friday, May 14, 2021 10:40 AM
To: Donn Zaretsky <dzaretsky@jsilberman.com>
Cc: Bridget Zerner <bzerner@markhamreadzerner.com>
Subject: RE: Fw: Robert Indiana (McKenzie artwork inventory)

[Donn:](#)

[I am available no and until 1 p.m. and then after 4 p.m.](#)

[Now would be good.](#)

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The answer he have was because it is his position that the artwork he has, that is listed in the list I sent you, does not belong to the estate.

Let me know when we can speak.

John

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From: Donn Zaretsky <dzaretsky@jsilberman.com>
Sent: Friday, May 14, 2021 10:29 AM
To: John Markham <jmarkham@markhamreadzerner.com>
Subject: RE: Fw: Robert Indiana (McKenzie artwork inventory)

Hi John,

To my knowledge, this is just a coincidence. We certainly haven't been in touch with Rosenbaum on our side.

And sorry I wasn't able to return your call yesterday; crazy afternoon. Today's much better. Let me know a good time to call.

And towards our call, have a look at the attached, the following exchanges in particular:

PAGE 64:

And you don't currently have any Robert Indiana works in your possession; is that right?

That's one hundred percent right.

PAGE 78:

Other than those 66 works [NB, THE ONES HE TURNED OVER TO THE ESTATE AS PART OF THE PROBATE PROCESS], do you have in your possession any Robert Indiana works belonging to the estate?

No. I mean if there is one that I missed somewhere - I have 21,000 square feet. It was a former dairy farm that I converted to art, and I sent you some videotapes of it. It's a voluminous amount of stuff. It's not just Robert Indiana. It's a hundred other artists as well. So we went through different areas to see if his stuff got mixed in with someone else's. We've done everything that we could do. I had five people on this forty hours a week for a month. That's what it took. It's a huge, huge undertaking. We think that we've gotten everything that we could get. If there is a stamp from 1969 stuck on an envelope, I don't know. There might be. But to our knowledge, we've gotten everything.

Thanks,
Donn

From: John Markham <jmarkham@markhamreadzerner.com>
Sent: Thursday, May 13, 2021 1:55 PM
To: Donn Zaretsky <dzaretsky@jsilberman.com>
Subject: FW: Fw: Robert Indiana (McKenzie artwork inventory)

See below. Did something in our discussions at your end stir this inquiry?

Also, where are we on the offer?

Thanks

From: Jim Druker <Jim@kaseanddrukerlaw.com>
Sent: Thursday, May 13, 2021 1:48 PM
To: Boyle, Edward P. <EPBoyle@venable.com>; John Markham <jmarkham@markhamreadzerner.com>
Subject: Fwd: Fw: Robert Indiana (McKenzie artwork inventory)

Gentlemen,

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As the attorney for Rosenbaum Fine Art, I am forwarding an email that I just received from my client, regarding the Robert Indiana works that remain in my client's possession while your litigation drags along.

Rosenbaum desperately needs the space that these pieces are consuming, and is offering you the following options:

1. Agree to allow Rosenbaum to store the pieces. Obviously, Rosenbaum would have to be reimbursed by you for any storage costs incurred by them;
2. Have the pieces picked up and delivered to whomever you both agree upon, at your clients' expense, of course;
3. Allow Rosenbaum to sell the pieces and, after deducting its normal commission, placing the net proceeds into my attorneys escrow account, pending the outcome of your litigation, or other agreement between you. In this regard, I am advised that there is still a large demand, and a substantial amount of revenue could be derived, to the benefit of all.

If we do not receive a satisfactory response within the next ten days, I will advise my client to put the pieces into storage, and to keep track of the costs for which they will expect reimbursement, before anything is released.

Hopefully, we can all come to an accord by which all of our clients will benefit.

Jim Druker

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From: Howard Rosenbaum <howardr@rosenbaumcontemporary.com>

Sent: Thursday, May 13, 2021 12:03 PM

To: Jim Druker <jdruker@hotmail.com>

Subject: Robert Indiana (McKenzie artwork inventory)

Hi Jim,

I was wondering has there been an update on the Robert Indiana inventory that we are holding in our building? We desperately need the space for other products. If the work is going to remain here for the near future I will need to order special racking and lift truck in order to continue to store this in my warehouse at an elevated level. Please let me know if the works will be leaving in the next few weeks or if we can be reimbursed by the parties for storage, cost of equipment and racking. Also, let me know if this work can be offered again to clients as we have been receiving requests.

Best regards,

Howard

Howard Rosenbaum

<image001.jpg>

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